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REMARKS

In the Office Action of July 3, 2007, the Examiner has indicated and the Applicant acknowledges that claims 1-73 remain pending. The Applicant would like to thank the Examiner for his diligence in pursuit of examining this application.

Turning to paragraph 2 of the Office Action, the Examiner has rejected claims 1-8, 11-12, 15, 23-53, 59-63, 65 and 67-70 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,938,218 B1, to Rosen. As an initial matter with specific applicability to pending claims that are combinatorial in nature, the Applicant respectfully submits that the MPEP and related laws, rules and case law are quite clear as to anticipation of a claim. MPEP §2131 states:

In order for a claim to be anticipated under 35 U.S.C. §102, however, each and every element as set forth in the claim must be found in a single prior art reference. MPEP § 2131 (emphasis added).

Additionally, the Applicant feels it is quite important to gain an understanding of certain terms that are used within the present application. Namely, the terms (1) concept map; (2) GO TO button; (3) return to center button; (4) about button; and (5) mouse over navigation interface. The individual term(s) will be addressed below in conjunction with the discussion regarding the first independent claim within which the given term appears.

The Applicant respectfully submits that the MPEP and related laws, rules and case law are quite clear as to interpretation of terminology utilized in an application.

MPEP §2111.01(l) states:

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Plain Meaning [R-5] I.THE WORDS OF A CLAIM MUST BE GIVEN THEIR "PLAIN MEANING" UNLESS \*\*>SUCH MEANING IS INCONSISTENT WITH< THE SPECIFICATION \*\*>Although< claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004) (The USPTO uses a different standard for construing claims than that used by district courts; during examination the USPTO must give claims their broadest reasonable interpretation >in light of the specification<.). This means that the words of the claim must be given their plain meaning unless \*\*>the plain meaning is inconsistent with< the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (discussed below); *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)

Additionally, MPEP §2111.01(III) states:

"PLAIN MEANING" REFERS TO THE ORDINARY AND CUSTOMARY MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, \*415 F.3d 1303, 1313<, 75 USPQ2d 1321>, 1326< (Fed. Cir. 2005) (*en banc*). *Sunrace Roots Enter. Co. v. 2111.01 MANUAL OF PATENT EXAMINING PROCEDURE* Rev. 5, Aug. 2006 2100-40 *SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003).

Furthermore, with respect to terms that the Applicant has defined within the present application, MPEP §2111.01(IV) states:

APPLICANT MAY BE OWN LEXICOGRAPHER An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s). See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (inventor may define specific terms used to describe invention, but must do so "with reasonable clarity, deliberateness, and precision" and, if done, must "set out his uncommon definition in some manner within the patent disclosure so as to give one of ordinary skill in the art notice of the change" in meaning) (quoting *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1387-88, 21 USPQ2d 1383, 1386 (Fed. Cir. 1992)).

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With regard to the term "concept map", the Applicant respectfully suggests reading paragraphs [0008], [0042] and [0049] of the present application in light of the text found in col. 11, l11-l29 of Rosen. Paragraphs [0008], [0042] and [0049] of the present application provide:

[0008] More recently, "concept maps" (commonly referred to as "mind maps;" "conceptual maps," "c-maps," "visual maps," "visual data maps" and "space diagrams") are being employed, sometimes in combination with "structured information" and, or, "intrinsic order" techniques, to facilitate human interface to electronic information. "Expert systems" based on concept map(s) are being deployed to impart structure and a more intrinsic order to related electronic information via a "decision tree" or the like.

[0042] It should also be understood that concept maps with icons (i.e. links to multi-media electronic information) such as described in U.S. Patent 5,506,937, to Ford et. al, that describes a concept map based multimedia computer system for facilitating user understanding of a domain of knowledge (i.e. patient medical information) may be incorporated, the entire disclosure of this patent is incorporated herein by reference.

[0049] Concept maps are known by a variety of names, including, but not limited to: conceptual maps, c-maps, visual maps, visual data maps, space diagrams and mind-maps. In a preferred embodiment, the concept map 110, 310a, 310b, 310c, 310d, 310e is larger than the viewing window 101 such that only a portion of the given concept map is visible at any given time. A navigation interface 120, 520 is preferably provided to enable a user to selectively view a desired portion of the concept map within the viewing window.

In complete contrast to the single "concept map" larger than the viewing window of present invention, the text found at C3, l28-l44 of Rosen describes:

The three or four dimensional spatial organization of pages (i.e. - emphasis added) can be representative of a true three dimensional spatial relationship of pages to each other. For instance, where the pages are renderings (e.g., photographs) of actual or fictitious three dimensional space, they can be arranged within the framework of

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*the cube or hypercube faces* (i.e. - *emphasis added*) in the relationship that they have to each other in actual space. However, the invention is equally applicable to Web pages that do not actually represent physical spaces. In such cases, the arrangement of linked Web pages still can be organized and/or displayed in the same arrangement even though the spatial basis of the arrangement does not necessarily bear any relation to the organization of the information content on the pages to each other. While such pages can be filled into the display format in a random fashion, preferably, they are arranged in some logical organization relative to the spatial framework provided by the present invention.

The Examiner has relied upon the text at Col. 3, l45 – Col. 4, l3 of Rosen:

Thus, in accordance with the invention, multiple displayable computer files or Web pages (i.e. - *emphasis added*) are displayed simultaneously. The pages are loaded in a generally outward-from-the-center direction so that an operator can begin viewing and interacting with a page while other pages continue to load. One navigates through the displayed pages by moving the screen pointer onto a particular one of the displayed pages. In response, the pages shift positions within the display framework so that the selected page moves to the center face of the display and all of the other pages move accordingly to maintain the same spatial relationship to each other. Thus, when a new page becomes the center page, (1) some of the pages previously displayed move to new windows, (2) some pages disappear from the display because their spatial relation to the other pages is such that the hypercube face to which they correspond is not a face that appears on the screen in accordance with the new orientation, and (3) some new pages appear because the hypercube face to which they correspond appears in the display in accordance with the new orientation, whereas they did not in the previous orientation. Depending on the number of non-displayed pages stored in memory, and the particular reorientation, the newly displayed pages may have already been in memory or may need to be loaded at the time of reorientation. Likewise, the pages that disappear from the display may be overwritten in memory or may remain.

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Similar to the text found throughout Rosen, the above excerpts reveal the fact that in Rosen multiple "pages" are displayed "within the framework of the cube or hypercube faces".

Therefore, the Applicant respectfully submits that Rosen does not teach, suggest or imply an electronic information access system, comprising: a concept map having a perimeter larger than a viewing window within which a portion of said concept map is viewable, said concept map and said viewing window are configured such that less than the entire concept map is visible at any given time; and a navigation interface that allows a user to selectively position a desired portion of said concept map within said viewing window as recited in claim 1. For at least the reasons expressed elsewhere herein and in that claims 2-8, 11-12, 15 and 23-28 depend from claim 1, the Applicant respectfully submits that claims 1-8, 11-12, 15 and 23-28 are in condition for allowance over Rosen.

With respect to the term "GO TO button" the Applicant respectfully suggests reading paragraphs [0068] and [0069] of the present application in light of the text found in col. 11, l11-l29 of Rosen. Paragraphs [0068] and [0069] of the present application provide:

[0068] Turning now to Figs. 9 and 10, because the concept map is often times very large and is preferably on one level, significant difficulty arises in setting forth all desired associations and relationships between the various subject topics and, or, sub-subject topics. In the subject domain Diving NorthStar, for example, under the general subject of "Scuba Diving," the sub-subject topic "Wreck Diving" is located. However, in another part of the concept map, under the subject topic "Treasure Hunting" the sub-subject topic "Find A Shipwreck" is located. Irrespective of how the subject topics and, or, sub-subject topics on the concept map are manipulated, bringing the sub-subject

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topics "Wreck Diving" and "Find A Shipwreck" into close proximity to establish an association is not possible without disturbing numerous other subject topics and, or, sub-subject topics and their respective relationships. In order to resolve this dilemma and several others like it, a "GO TO" button is preferably employed as described in detail herein. For example, a button titled "GO TO: Find A Shipwreck." is preferably associated with "Wreck Diving". This button is preferably configured such that when a user positions a cursor over this button and clicks (i.e. preferably, the background changes and, or, the cursor changes as described herein), they preferably will be "transported" to the area of the concept map with the "Find A Shipwreck" sub-subject topic substantially centered with respect to the viewing window.

[0069] When this GO TO feature was tested, it was well received, however, sometimes the users had difficulty quickly seeing the associated subject topic or sub-subject topic. This problem is preferably resolved by having a noticeable, but preferably not overwhelming and most preferably a subtle red border 1046 of the "Find A Shipwreck" sub-subject topic 1045 (or subject topic) appear for a period of time, preferably for several seconds, and then fades away entirely. Optionally, the border may intermediately appear grey momentarily before fading away entirely. Creating a concept map on one level will often benefit by incorporation of at least one GO TO button. It should be understood that mouse over selection functionality may be employed with the GO TO button.

In complete contrast to the "GO TO button" of the present invention, the text found in C11, I11-I29 of Rosen relied upon by the Examiner describes:

The other four faces of each hypercube side correspond to looking at the facing side of the next hypercube to the left, right, top and bottom of the first hypercube, respectively. **Thus, with respect to the middle hypercube side in the display (windows 1, 2, 3, 4, and 5 in FIG. 6), all five windows plus the BACK button therefore correspond to moving in the three spatial dimensions. With respect to the four other hypercube sides shown in FIG. 6, the four non-central faces of each of those sides also correspond to spatial movement in the left, right, up and down directions.** However, the central faces of those four hypercube sides actually "look into"

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the hypercubes that are spatially displaced in the fourth spatial dimension from those hypercubes represented in the windows in the display. Thus, the central faces of all but the middle hypercube side actually correspond to the fourth dimension and are used to "move" through the fourth organizational parameter, e.g., level of detail.

Therefore, the Applicant respectfully submits that Rosen does not teach, suggest or imply an electronic information access system, comprising: a concept map viewable within a viewing window, said concept map comprising at least one GO TO button as recited in claim 29 of the present application. For at least the reasons expressed elsewhere herein and in that claims 30-42 depend from claim 29, the Applicant submits that claims 29-42 are in condition for allowance over Rosen.

With respect to the term "Return to Center" button and the "About" button, the Applicant respectfully suggests reading paragraphs [0070] and [0071], respectively, of the present application. Paragraphs [0070] and [0071] of the present application provide:

[0070] Referring to Figs. 11 and 12, to accommodate situations when a user has positioned the concept map away from the default position and desires to return to the default portion of the concept map, the EIAS is preferably configured such that a user needs only position an associated cursor over the "Return To Center" button 1160, depicted as [Return to Center] in Fig. 11, and click (i.e. preferably, the text changes and, or, the cursor changes as described herein). The user will preferably be "transported" to the default position of the concept map as shown in Fig. 12, for example. Otherwise, the user may have difficulty locating the default position of particularly large concept maps. In at least one EIAS embodiment, the default concept map position depicts the most broad and, or, general topics; as one moves further from the default position, the topics become more and more narrow and, or, specific. It should be understood that mouse over selection functionality may be employed with the return to center button.

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[0071] With further reference to Fig. 12, an "About" button 1270 is depicted as "[About NorthStar]". Preferably, at least one about button is included in the EIAS to provide the user with at least one of the following: 1) general information about the EIAS, 2) help regarding the EIAS, 3) information on how to suggest a source for electronic information (i.e. a "site" or "information link"), 4) information on how to link the EIAS to another's site or page, 5) information on reporting EIAS errors and problems, 6) information regarding submittal of EIAS comments and suggestions, 7) information on associated business opportunities, 8) an overview of the EIAS, 8) information regarding the strategy behind the EIAS, 9) terms and conditions associated with the use of the EIAS.

Rosen is completely void of any discussion regarding a GO TO, return to center or an about button. Therefore, the Applicant respectfully submits that Rosen does not teach, suggest or imply an electronic information access system, comprising: a concept map having a perimeter larger than a viewing window within which said concept map is viewable, said concept map and said viewing window are configured such that less than the entire concept map is visible at any given time; a navigation interface that allows a user to selectively position a desired portion of said concept map within said viewing window; a return to center button that allows a user to position a default portion of said concept map within said viewing window; an about button; and at least one GO TO button, as recited in claim 43 of the present application. For at least the reasons expressed elsewhere herein and in that claims 44-52 depend from claim 43, the Applicant submits that claims 43-52 are in condition for allowance over Rosen.

With respect to dynamic linking and quick loading, the Applicant suggests reading paragraphs [0215] and [0216], respectively. Paragraphs [0215] and [0216] provide:

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[0215] Preferably, the FLASH, COLDFUSION and SQL Server portions of the EIAS are integrated with an open database connectivity (ODBC) that facilitates interaction. SQL is an acronym for structured query language; when combined with ODBC an extremely flexible package is provided that allows the dynamic functionality desired in an EIAS.

[0216] In at least one EIAS embodiment, for example in the Diving NorthStar, the system is preferably configured such that when a user selects "Red Sea Diving", for example, the EIAS server calls the page titled "ns.cfm." The EIAS server then begins to read the code on that page. The code is preferably configured to instruct the EIAS server that it needs information from the database before it can be delivered. At this point, the EIAS server finds the database it needs, calls the ODBC driver and tells the database what it needs. The database queries the information and sends it back to the EIAS server via the ODBC. The EIAS server then has the information needed from the database and it displays the information in the form of a page as shown in Fig. 7.

The Applicant respectfully submits that Rosen does not teach, suggest or imply an electronic information access system, comprising: a concept map based visual interface dynamically linked to underlying electronic information as recited in claim 53 of the present application. For at least the reasons expressed above and in that claims 59-62 depend from claim 53, the Applicant submits that claims 53 and 59-62 are in condition for allowance over Rosen.

Furthermore, the Applicant respectfully submits that Rosen does not teach, suggest or imply an electronic information access system, comprising: a concept map based visual interface configured to load quickly upon initiation by a user as recited in claim 63 of the present application. For at least the reasons expressed above and in that claims 65 and 67-70 depend from claim 63, the Applicant submits that claims 63, 65 and 67-70 are in condition for allowance over Rosen.

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Turning to paragraph 4 of the Office Action, the Examiner has rejected claims 9-10, 13-14, 16-22, 54-58, 64 and 66 under 35 U.S.C. §103(a) as being unpatentable over Rosen. For at least the reasons expressed elsewhere herein and in that claims 10, 13-14 and 16-22 depend from claim 1; claims 54-58 depend from claim 53; and claims 64 and 65 depend from claim 63, the Applicant respectfully submits that claims 9-10, 13-14, 16-22, 54-58, 64 and 66 are in condition for allowance over Rosen.

Even though the Examiner did not address independent claims 71 and 73, nor the related dependent claim, the Applicant offers the following remarks. It should be understood that any future specific rejection of claims 71-73 be considered a "first", non-final, rejection and that any comparison of the present invention to Rosen should be considered to have been made solely for the purpose of providing the Examiner with additional insight to the claimed invention as recited in claims 71-73.

With respect to the term "mouse over navigation interface", the Applicant suggests reading paragraphs [0059], [0124] and [0259] of the present application in light of the text found at Col. 9, l16 – Col. 10, l4 of Rosen. Paragraphs [0059] and [0124] provide:

[0059] Preferably, "selection" of a desired navigation interface button 521-528 is configured to happen in accordance with "mouse over" selection functionality. Mouse over selection functionality is distinguished from "clickable" selection functionality in that a visual change occurs on a related display and, or, selection occurs simply by moving a cursor associated with a pointing device over the desired button with mouse over selection functionality; clickable selection functionality requires the additional step of manually manipulating a physical button and, or, actuator on an associated pointing device. Preferably, the sub-subject topics 345, 545, the GO TO buttons 990, the about button 170, 1270 and the return to center button 160, 1160 are configured with partially

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mouse over and partially clickable selection functionality (i.e. the background color changes when an associated cursor is placed over the given button, however, the actual function of the button does not become activated until a physical button and, or, actuator is manipulated on an associated pointing device.

[0124] It should be understood that an EIAS may be configured to allow a user to define the subject domain, subject topics, sub-subject topics and, or, topic links utilizing integrated tools. Related EIAs may incorporate known drawing and, or, linking features as incorporated in AutoCAD, Adobe Illustrator, geographic information systems, etc.

[0219] Entities that currently develop software for electronic depiction of information associated with the various concept maps described herein, or similar to those described herein, such as, AutoDESK, AutoCAD, AutoCAD MAP, Design CAD, CADKEY, Intergraph Microstation, ArcInfo, ArcView, MapInfo, MapObjects, ArcIMS, SDE, ARC2MGE, ArcFM, ESRI, MetaMAP, TransCAD, TurboCAD, IntelliCAD, 3D CAD, CADpro, Pro/E, Parametric Technologies Corporation, Dassault Systemes, CATIA, Electronic Data Systems Corporation, Unigraphics, SDRC, I-deas, SolidWorks, etc. may negotiate a commercial model for incorporating at least one of the EIAS features described herein. Incorporation of a navigation interface in accordance with that of the present invention, within one of these packages, having mouse over selection functionality, would be advantageous. Incorporation of this type navigation interface within an electronic game, particularly an "interactive" online electronic game, would, as well, be advantageous.

In complete contrast to the "mouse over navigation interface" of the present invention, the text found at Col. 9, l16 – Col. 10, l4 of Rosen describes:

In accordance with the navigational aspect of the present invention, an operator can interact with a page just as he or she would with any other browser. For instance, the operator can read a page or click on a hyperlink in a page in order to access another page. However, in addition, one may navigate through the four dimensional space represented by the hypercubes by moving the screen pointer over the windows on the screen. An operator can indicate with the screen pointer the window of interest and the

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browser will rearrange the pages appearing in the windows so that the indicated page appears in the central window 1 and all the other pages reorient to maintain the spatial relationship of the pages to each other as indicated in the table. Thus, for instance, when a particular page is indicated, that page is moved into the center window 1 and the other 24 windows are filled with the pages which surround that page in accordance with the spatial organization stored in the memory. Accordingly, some pages that were being displayed in particular windows move to different windows. Other pages will disappear because, in accordance with the spatial organization, they correspond to hypercube faces which do not correspond to display screen windows in the new orientation. Finally, other pages which did not appear in the previous view now appear in particular windows of the display because, in the new orientation, the hypercube faces to which they correspond now correspond to the windows in the display.

Some or all of the pages that newly appear due to the reorientation may have been in memory already and, therefore, can be displayed essentially immediately. Others may need to be loaded. What pages will be in memory already will depend on how many non-displayed pages are stored in memory and the particular reorientation.

The manner in which one indicates a page to be moved to the center window can take many forms. For instance, in one embodiment, one may move the screen pointer over the page of interest and click. However, preferably, the navigation experience emulates travel through space. This can be accomplished much in the same way as is done in connection with first-person-view-point role playing games such as Doom.TM. or Quake.TM.. Thus, for instance, they may use the arrow keys, up, down, left, right, to move through the windows. For instance, by clicking on the up key once, the page in window 2 moves into window 1 and all other pages reorient accordingly. In another embodiment, a joystick can be used to control a screen pointer.

In addition to the navigational aspects, an operator may interact with any page on the display screen in the normal fashion. The operator does not need to move that page into the center window 1 in order to interact with it. Accordingly, if the operator has one page in a center screen but recognizes on another page a hyperlink, he may click on the hyperlink. Alternately, if possible, he may simply read the text or view an image on that page that he is interested in without moving the page to the center window.

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Therefore, the Applicant respectfully submits that no known prior art teaches, suggests or implies an electronic drawing creation system, comprising: a viewing window for presentation of at least a portion of an electronic drawing to a user; and a mouse over navigation interface that allows a user to selectively position said electronic drawing within said viewing window as recited in claim 71 of the present application. For at least the reasons expressed herein and in that claim 72 depends from claim 71, the Applicant submits that claims 71 and 72 are in condition for allowance over any known prior art.

Furthermore, the Applicant respectfully submits that no known prior art teaches, suggests or implies an internet based electronic game, comprising: a mouse over navigation interface that allows a user to selectively position a scene on a related display as recited in claim 73 of the present application. The Applicant submits that claim 73 is in condition for allowance over any known prior art.

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In view of the foregoing remarks, the Applicant submits that the present invention, as defined in claims 1-73, is allowable over the prior art of record. The Examiner's reconsideration and timely allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited. Please contact the undersigned should additional information be required.

Respectfully submitted,  
Attorney of record:

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